IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 16751 of 1994

Between:

Shaik Narayana , S/o. Peda Meera saheb,
Boy's , Hostel No.1,
Kandukur, Prakasam Dist.

..... PETITIONER

AND

1 M. Pitchaiah,
Ramayapalam, Ramayapalem(V),
Prakasham Dist.
2 M. Brahmaiah, S/o. venkaiah,
Ramayapalam, Ramayapalem(V),
Prakasham Dist.
3 Y.Kakshmaiah, S/o. Narasaiah,
Ramayapalam, Ramayapalem(V),
Prakasham Dist.
4 M. Venkateswarlu, S/o. Guravaiah,
Ramayapalam, Ramayapalem(V),
Prakasham Dist.
5 K. Papaiah, S/o. Kotaiah,
Ramayapalam, Ramayapalem(V),
Prakasham Dist.
6 P. Kotaiah, S/o. Kondaiah,
Ramayapalam, Ramayapalem(V),
Prakasham Dist.
7 M.Subbarayudu, S/o. Kotaiah,
Ramayapalam, Ramayapalem(V),
Prakasham Dist.
8 J. Seethaiah, S/o. Kotaiah,
Ramayapalam, Ramayapalem(V),

Prakasham Dist.

9 Y.Venkateswarlu, S/o. Venkatiah
Ramayapalam, Ramayapalem(V),
Prakasham Dist.

10 Y.Govindaiah, S/o. China Lakshmaiah,
Ramayapalam, Ramayapalem(V),
Prakasham Dist.

11 Y.Yellamanda, S/o. Kotaiah,
Ramayapalam, Ramayapalem(V),
Prakasham Dist.

12 Y.Subba Rao, S/o. Kotaiah,
Ramayapalam, Ramayapalem(V),
Prakasham Dist.

13 Y. Koteswara Rao, S/o. C hina Kotaiah,
Ramayapalam, Ramayapalem(V),
Prakasham Dist.

14 V.Veeraiah, S/o. Kotaiah,
Ramayapalam, Ramayapalem(V),
Prakasham Dist.

15 M. Nageswara Rao, S/o. Adaiah,
Ramayapalam, Ramayapalem(V),
Prakasham Dist.

16 The Dist.Judge,Ongole, Prakasham Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of CERTIORARI, to set aside the order of the District.Judge, Ongole in T.A.No.3/1989 dt.15.3.1994 and quash the same.

Counsel for the Petitioner: MR.T.RAJENDRA PRASAD

Counsel for the Respondents: GP FOR REVENUE

The Court made the following Order:

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

WRIT PETITION NO.16751 OF 1994

ORDER:

This Writ Petition in the nature of Certiorari has been filed seeking a direction to

set aside the orders of the District Judge, Ongole in TA No.3 of 1989 dated 15.3.1994 as illegal.

The case of the writ petitioner is that the Ramayapalem village is a Zamindari village in the Estate of the erstwhile Venkatagirizamin. An extent of Ac.13.67 cents and ac.0.74 cents in Survey No.102 and 158/1 of Ramayapalem village is in their possession since times immemorial. It is stated that after abolition of the Estates, the Settlement Officer conducted enquiry under Section 15(1) of the Estates Abolition Act, 1948 and passed orders on 17.7.1957 declaring the Ianm as Devadaya Ianm. It is also stated that against the said orders, the petitioner filed appeal in TA No.39 of 1974 and the same was allowed by order dated 29.7.1977 remanding the matter to the Settlement Officer. On remand, the Settlement Officer conducted enquiry into the matter and after consideration of all the documents and evidence on record , passed orders in favour of the petitioner on 10.1.1983. Questioning the said order, respondent 1 to 15 herein filed appeal in TA No.3 of 1989 before the District Court and the District Court allowed the said appeal. Questioning the same, the present writ petition has been filed.

Heard both sides.

The case of the petitioner is that under Section 15(2) of the Estates Abolition Act, any appeal against the orders of the Settlement Officer has to be filed within one year if it is Government and in case of others, the limitation for filing appeal is fixed at two months. Admittedly, in this case, the unofficial respondents filed appeal in the year 1989 against the orders passed on 10.1.1983 i.e., nearly for a period of 6 years. This court perused the entire material on record. The unofficial respondent except stating that they are not aware of the orders passed by the Settlement Officer, no reasons have been mentioned. In view of the fact that the dispute is pending from 1957, the contention of the unofficial respondents that they are not aware of the orders passed by the Settlement Officer cannot be countenanced much less no valid reasons have been stated by them. Since there was delay of about 8 years in filing the appeal before the 16th respondent, the 16th respondent ought not to have allowed the same as the reasons mentioned for condonation of delay are not convincing and satisfactory and the 16th respondent without properly

appreciating the same allowed the said TA and hence the same is liable to be set aside and it is accordingly set aside.

In the result, the Writ Petition is allowed setting aside the orders of the 16th respondent passed in TA No.3 of 1989 dt.15.3.1994.

Mhn 8.7.2004

To

1.The Dist.Judge,Ongole, Prakasham Dist.

2. Two CD copies.